

7212

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 28, 2015

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Introduced by M. of A. JOYNER -- read once and referred to the Committee  
on Codes

AN ACT to amend the criminal procedure law, in relation to youthful  
offender determinations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 720.20 of the criminal procedure  
2     law, as amended by chapter 652 of the laws of 1974, is amended to read  
3     as follows:  
4     1. Upon conviction of an eligible youth, the court must order a pre-  
5     sentence investigation of the defendant. After receipt of a written  
6     report of the investigation and at the time of pronouncing sentence the  
7     court must determine whether or not the eligible youth is a youthful  
8     offender. Such determination shall be in accordance with the following  
9     criteria:  
10    (a) If in the opinion of the court the interest of justice would be  
11    served by relieving the eligible youth from the onus of a criminal  
12    record and by not imposing an indeterminate term of imprisonment of more  
13    than four years, the court may, in its discretion, find the eligible  
14    youth is a youthful offender; and  
15    (b) Where the conviction is [had in a local criminal court and] FOR A  
16    MISDEMEANOR AND PROVIDED the eligible youth had not prior to commence-  
17    ment of trial or entry of a plea of guilty been convicted of a crime or  
18    found a youthful offender, the court must find he is a youthful offen-  
19    der.  
20    S 2. This act shall take effect immediately and apply to criminal  
21    convictions of eligible youths entered into on and after such date.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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